

Introduction

This country guideline provides general information on the most common corporate immigration processes for the United Kingdom. The UK Visas and Immigration (UKVI) is the government authority responsible for immigration. Please note that immigration processes in every country are subject to frequent change, and also that each case is assessed on its own merits. Therefore, this guideline should be taken as providing general information only. Cases to the United Kingdom are handled by our London office, where they are registered to provide immigration advice through the Office of the Immigration Services Commissioner (OISC). For specific, detailed advice, please contact your representative.

This guideline is divided into the following sections. Please click on the links below to be taken directly to the relevant section.

1. [Introduction](#)
2. [Immigration Categories](#)
3. [Typical Process Overview](#)
4. [Typical Documents Obtained](#)
5. [Renewal](#)
6. [Deregistration](#)
7. [Dependents](#)
8. [Application Materials](#)
9. [Business Visitors](#)
10. [Change of Status](#)
11. [Salary and Payroll](#)
12. [Qualifications](#)
13. [Red Flags](#)
14. [Penalties for Non-Compliance](#)
15. [Bilateral Agreements](#)

Immigration Categories

The appropriate immigration category or status for your employees based overseas or hired locally in the United Kingdom will depend on their specific details, their intentions in the United Kingdom, and on your company. In our experience the most common category for limited duration corporate transfers is the Tier 2 Intra-Company Transfer category. For details on non-typical categories not listed below (Investors, Entrepreneurs, Ancestry, Foreign spouse, EEA dependent, and other special programs), please contact your representative. For information on EU nationals, please refer to the section “Bilateral Agreements”

- **Tier 1 (General):** Replaced the old “Highly Skilled Migrant Programme” or HSMP and was for personal applications from highly skilled individuals. ~This category is no longer open to new applicants or for extensions from the 6th April 2015 and is now in operation only to those currently holding Tier 1 General or HSMP leave

Country Profile: United Kingdom



and applying for Indefinite Leave to Remain (“ILR”). Please note that the option for ILR will also close on the 6th April 2018.

- **Tier 2 (General) Restricted:** Employer sponsored, typically used for new hires earning less than £155,300pa.
- **Tier 2 (General) Unrestricted:** Employer sponsored, typically used for new hires earning over £155,300pa or those currently in the UK under a work permit, Tier 1 or Tier 4 category and switching into an employment category.
- **Tier 2 (Intra Company Transfer, or ICT):** Employer sponsored, where the applicant is moving from an overseas branch for a limited duration. There are four (4) sub-categories:
 - **Short Term:** Maximum duration is twelve (12) months. Twelve (12) months previous experience within an overseas branch is required. This category is due to close in April 2017.
 - **Long Term:** Maximum duration is five (5) or nine (9) years if the salary is in excess of £155,300pa). Twelve (12) months previous experience within an overseas branch is required.
 - **Skills Transfer:** Maximum duration is six (6) months. No previous experience within an overseas branch is required but the individual must not be filling an open vacancy. This category is due to close in Autumn 2016.
 - **Graduate Trainee:** Maximum duration is twelve (12) months. Three (3) months previous experience within an overseas branch is required.

Typical Process Overview

The following process overview is applicable for Tier 2 Intra Company Transfer applications. Approximate overall processing time from submission is four (4) to six (6) weeks. However, note that lead time for document gathering at the start of the process should be factored in.

Average processing time for each individual step is noted below.

Pre-Application: Sponsorship License and Quota Requirements

In order to sponsor a non EEA national under the ICT route, the host company in the United Kingdom must be in possession of a valid Sponsorship License from the UKVI with unallocated available quota. If this is not the case, Emigra Worldwide can assist with obtaining a Sponsorship License or with a quota allocation application. Please note that only a United Kingdom Trading Company can hold a sponsorship license to sponsor migrants into the United Kingdom.

Furthermore, please note that the activities being performed must be of graduate level and fall into one of the prescribed UKVI occupation codes.

Step One: Issue of Certificate of Sponsorship (CoS)

Processing Time: Three (3) to four (4) days

Emigra Worldwide will work with the assignee and host company to prepare and collect all documents and information necessary to obtain a CoS. The Immigration Consultant prepares the draft CoS online, then sends the client (UK HR) an email requesting review and approval of the draft before assigning the CoS.

Country Profile: United Kingdom



Step Two: Entry Clearance (“EC”)

Processing Time: Up to four (4) weeks, depending on the Embassy/Consulate

Once the CoS has been assigned, the assignee and any accompanying dependents attend the Embassy / Consulate in their home country or country of residence to undertake biometric fingerprinting and apply for Entry Clearance. We can assist with the preparation of the EC application and, where possible, book the biometric appointment and assist with the submission of the EC application.

In certain, non-standard cases, an applicant may be entitled to switch into Tier 2 within the UK. We can assist with this application in-country, which can take two (2) to four (4) weeks to prepare and one (1) to twelve (12) weeks to be processed.

Step Three: Entry to the United Kingdom

Processing Time: Not Applicable

Upon the assignee’s arrival in the UK, the EC is shown to the UK Immigration Officer who will stamp the passport with the date of entry. If the duration of assignment is longer than six months, the assignee will need to attend their local post office within ten (10) days to collect their Biometric Residence Permit, which evidences their entitlement to work.

Depending on nationality, the assignee may be required to register with the police within seven (7) days of arrival.

Typical Documents Obtained

By following the Tier 2 (ICT) application process described above, the following immigration documents will be obtained. Typical validity is noted next to each document.

- **Certificate of Sponsorship (CoS):** Up to one (1) year for short term ICT or five (5)/ nine (9) years for long term ICT
- **Entry Clearance/Biometric Residence Permit:** In line with the CoS plus one (1) month

Renewal

Renewal is possible provided an application is submitted within the UK prior to the expiry of the visa. The maximum duration allowed for each category is as follows:

- **Tier 2 General:** As from 6 April 2011 the maximum duration for Tier 2 General leave holders is six (6) years.
- **Tier 2 Intra-Company Established Staff:** There is no maximum period and leave can be extended in increment of two (2) years provided the requirement of the relevant category is satisfied.
- **Tier 2 Intra-Company Long term:** A maximum stay of five (5) years or nine (9) years for those earning more than £155,300 pa.
- **Tier 2 Intra-Company Short Term:** Renewals are allowed up to the maximum twelve (12) months allowable in this category.

Country Profile: United Kingdom



Renewal processes take one (1) to eight (8) weeks; please allow two (2) weeks of lead time for document gathering.

Permanent Residence may be available for some applicants who have been in the UK for five (5) continuous years; however note that, effective 6th April 2010, residence in the UK under Tier 2 (ICT) status will no longer lead to permanent residence.

Deregistration

The United Kingdom does not require deregistration for individuals departing at the conclusion of their assignment. However, if a Tier 2 Migrant departs the UK prior to the end of an assignment, a Sponsor Management System (SMS) update will need to be made within ten (10) days of the assignee's departure. This will have the effect of cancelling the individual's Certificate of Sponsorship. A similar update will be required where the assignee leaves the employment of the sponsoring company prior to the end of the assignment.

Dependents

Dependent immigration status approval depends on the immigration status of the principal applicant. Where the principal applicant is in the United Kingdom under a Tier 2 visa, the following rules apply for dependents:

- **Minimum age (spouses):** Eighteen (18) years
- **Maximum age (children):** Eighteen (18) years
- **Unmarried partners:** Yes, provided certain conditions are met
- **Same sex partners:** Yes, provided certain conditions are met
- **Non-traditional dependents (e.g. parents):** Not typically
- **Work authorization granted?** Yes

Application Materials

Application materials vary depending on the immigration category being applied for and on the specifics of the case. We will advise the assignee in detail regarding his or her specific case; however, general application materials for a Tier 2 (ICT) visa include:

- A current resume (C.V.), diploma/degree, assignment letter/employment contract, birth and marriage certificates, and detailed description of the assignment in the UK including job description, work location, salary and allowances.
- All documentation must be submitted in English or Welsh (English is preferred). Emigra Worldwide can provide translation assistance where necessary.

Business Visitors

- Name of visa granted: Visitor Visa either at the Consulate before entry or at the airport if non-Visa national
- Duration of stay: No limit to the number of days that can be spent in the UK as long as it does not lead living in the UK through successive visits.

- General activities permitted: “business only”, generally defined as attending business meetings and seminars. If you are unsure whether or not your intended activity is a permitted activity, please contact your representative.
- Please note that visitors must not undertake work in any form or undertake any productive activity in the UK that generates revenue for the visitor or the employer.

Change of Status

It is not possible to switch from visitor/business to employment status without leaving the UK.

Salary and Payroll

Salary and payroll requirements vary depending on the immigration category and on the specifics of the case. The UKVI will expect the employee’s salary to be in line with what a resident worker would receive for the same position and therefore stipulate minimum salaries for each eligible graduate level occupation. Salary calculation also depends on the immigration category the assignee is using to travel to the United Kingdom. Additionally, payroll location may affect the immigration process, depending on the category. Please note that as of April 2011, payment of salary can only be made to the assignee’s own bank account and cash payments are not permissible. Please contact your representative for more details for your specific situation.

Qualifications

Qualification requirements will vary from case to case and will depend on the immigration category under which the application is made. However, the immigration authorities do expect that the position the assignee is undertaking is a graduate level position. Please contact your representative for more details.

Red Flags

In our experience, the following points are important to note at the start of the process. If any of the below situations apply to you, contact your representative immediately for further detailed advice.

- Absence of relevant experience.
- The job skills are not considered to be of a graduate level.
- Previous criminal convictions.
- Previous negative immigration decisions.
- Previous stays in the UK under the Tier 2 category.
- Insufficient quota allocation under Tier 2.
- Lack of advertising or obtaining the Restricted Quota for Tier 2 General Restricted.
- Insufficient remuneration.
- Entry Clearance/Visa applications for some nationalities must be referred to the UK for security screening, which can add up to three weeks to the visa processing time.
- Entry Clearance/Visa applications for some nationalities require Tuberculosis screening
- The UK operates a cooling off period for previous Tier 2 visa holders from date of departure from the UK.

Penalties for Non-Compliance

The UKVI takes immigration non-compliance very seriously. Penalties for non-compliance include fines of up to £20,000 GBP per illegal employee, deportation and imprisonment. Please be aware that non-compliance can lead to a downgrading of the employer's Sponsor License to B rating or revocation of the License resulting in the curtailment of all Sponsored Migrants' leave to sixty (60) days and the inability to obtain certificates for new assignees. For more details, please contact your representative.

Bilateral Agreements

- **European Union (EU) and European Economic Area (EEA):** The United Kingdom is a member of the EU and the EEA. Nationals from other EU and EEA countries do not require Certificates of Sponsorship and have freedom of movement into the United Kingdom to work, live, and reside. As the latest EU entrants, Croatian nationals will still need to apply for work permits before travelling to the United Kingdom and Registration Certificates before beginning work in the United Kingdom. Non-European dependents of European nationals, although technically not required to obtain permission in advance to live and work in the United Kingdom, it is advisable that this takes place to evidence their permissions. Furthermore, permission would only be granted if their European family member is "exercising a treaty right" – by working, studying, being self-sufficient or self-employed - in the UK.
- **Switzerland:** Although Switzerland belongs to neither the EU nor the EEA, Swiss nationals have, through bilateral agreements, been provided with the same rights as EU nationals in the UK.
- **Republic of Ireland ("ROI"):** The UK and ROI constitute a common travel area, but note that UK immigration documents are NOT valid for use in the ROI (i.e. visa nationals should obtain separate visas to enter the ROI, and UK work permits are not valid for work in the ROI) and vice versa (Irish visas are not valid for travel to the UK and Irish employment permits will not permit work in the UK).
- **Channel Islands and the Isle of Man:** The Channel Islands and the Isle of Man are considered outside of the United Kingdom. Different immigration procedures apply for those wishing to work and live there.

The material in this document is confidential and a protected trade secret of Emigra Worldwide. In the course of delivering service to our clients and channel partners, our organization may elect to share this material in accordance with confidentiality terms of its service agreements or other contracts with said clients and partners, or in accordance with general intellectual property laws of the nation in which the material is received. All rights are reserved. The reproduction, redistribution or any other promulgation of this material, in whole or in part, without the written permission of an authorized officer of Emigra Worldwide is prohibited. All copies of this material must be returned upon request. The information contained in this document is correct as of the date of issue noted above. Whilst every effort has been made to ensure accuracy and completeness throughout this document, we cannot and will not be held responsible for damage caused by errors, and/or omissions or otherwise caused by using and/or relying solely on the information contained herein. Please note that immigration regulations and requirements can change without advance notice and as such we cannot guarantee that the information contained within this document is 100% error free.

Last review: October 2016